

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

I. Amendments to the Claims

Claims 28-36 have been identified as being withdrawn.

II. 35 U.S.C. § 112, First Paragraph Rejections

Claims 24-27 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Specifically, claims 24-27 were rejected for reciting the following limitations: (i) wherein the second game recording medium records prohibition information that prohibits an attribute of a character from changing; and (ii) the attribute being the same as the attribute of the character that appears in the first game.

Regarding (i), the Applicants note that the “prohibition information” is based on the height flag 462 (OFF) and the weight flag 463 (OFF) included in the portable development item table 461, as illustrated in Fig. 24. Specifically, the Applicants note that (i) paragraph [0412] of the publication of the present application states that “[t]he height flag 462 takes a value of either ON or OFF, where ON indicates that height update is permitted, and OFF indicates that height update is not permitted,” and (ii) paragraph [0414] of the publication of the present application states that “[t]he weight flag 463 takes a value of either ON or OFF, where ON indicates that weight update is permitted, and OFF indicates that weight update is not permitted.”

In view of the above, the Applicants respectfully submit that the specification provides

clear support for the limitation “prohibition information,” which is related to the “height flag” indicating whether the “height update” is prohibited and the “weight flag” indicating whether the “weight update” is prohibited.

Additionally, regarding (i), the Applicants note that the limitation “prohibiting the attribute of the character that appears in the second game from being changed in accordance with the prohibition information” is based on Step S414 (OFF) and Step S417 (OFF) illustrated in Fig. 26 and described in paragraphs [0373] and [0374] of the publication of the present application.

Specifically, according to Fig. 26, when the height flag is judged to be “ON” (Step S414: ON), the value “10” is added to the height (Step S415), and when the height flag is judged to be “OFF” (Step S414: OFF), Step S415 is not performed, that is, the change of the height is prohibited.

Furthermore, according to Fig. 26, when the weight flag is judged to be “ON” (Step S417:ON), the value “0.5” is added to the weight (Step S418), and when the weight flag is judged to be “OFF” (Step S417:OFF), Step S418 is not performed, that is, the change of the weight is prohibited.

Moreover, regarding (ii), the Applicants note that the limitation “attribute being the same as the attribute of the character that appears in the first game” is supported by the illustrations of Figs. 5 and 26, wherein Fig. 5 is related to the stationary (first) game and table 561 indicates that the height and weight can be changed for the character and Fig. 26 is related the portable (second) game and table 461 indicates that the height and weight of the character cannot be changed.

Thus, in view of the above, it is respectfully submitted that above-noted limitations (i)

and (ii) are supported by the written description of the specification. As a result, withdrawal of this 35 U.S.C. § 112, first paragraph rejection is requested.

Claims 24-27 were also rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. For the reasons discussed above regarding the written description requirement, it is also submitted that claims 24-27 comply with the enablement requirement. As a result, withdrawal of this 35 U.S.C. § 112, first paragraph rejection is requested.

III. 35 U.S.C. § 102 Rejection

Claims 24-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sato (U.S. 4,858,930). This rejection is believed clearly inapplicable to claims 24-27 for the following reasons.

Independent claim 24 recites a game system including a first recording medium that records therein a first game and permission information indicating that (only in a first game) an attribute of a character that appears in the first game is permitted to be changed. Further, claim 24 recites that the system includes a second recording medium that records therein a second game program and prohibition information indicating that (only in a second game that proceeds in accordance with the second game program) an attribute of the character that appears in the second game is prohibited from being changed, the attribute being the same as the attribute of the character that appears in the first game. In addition, claim 24 recites that the system includes a first game execution apparatus that changes the attribute of the character in accordance with the permission information recorded in the first recording medium. Claim 24 also recites that the

system includes a second game execution apparatus that reads the prohibition information from the second recording medium and contrary to an inputting operation from a user requesting to change the attribute of the character that appears in the second game, prohibits the attribute of the character that appears in the second game from being changed in accordance with the prohibition information.

Based on the above-noted structure required by claim 24, it is possible to promote sales of game programs as explained below. For example, suppose that a sales agent of a game program adopts a sales strategy of selling the second recording medium at a low price or distributing the second recording medium at no charge, and selling the first recording medium at a regular (e.g., higher) price. In this situation, a user can acquire the second recording medium for free or nearly free, but can be prohibited from changing certain attributes of the character. After the user enjoys playing the game of the second recording medium (even though the user can be prohibited from changing the attribute of the character), the user can purchase the first recording medium at the regular price and can enjoy playing the game of the first recording medium, such that the user will now be able to change the attribute of the character. As a result, the sales agent can successfully promote sales of games.

Sato fails to disclose or suggest the above-identified distinguishing limitations and the above-noted result of the structure, as recited in claim 24.

Rather, Sato teaches (i) that “[i]f the answer is yes [to a judgment of whether the experience value exceeds a set experience value for a specific level], the ability data of the character is raised by a predetermined amount, and the data stored in the ability data storage area 24 is renewed” (see col. 4, lines 33-36, underlining added for emphasis), (ii) “[t]herefore, in the

home video game machine 10, when the player inputs a game suspension signal from the game control unit 14, the ability data read/write circuit 16b operates in accordance with the flow 2000 and writes the character ability data which has been written in the ability data storage area 24 into the ability data storage medium 22 of the cartridge 50. In this way, the character ability data at the time of suspension of the game is automatically written into the ability data storage medium 22” (see col. 6, lines 59-68, underlining added for emphasis), and (iii) “[a]dditionally, in the system of this embodiment, it is preferable that the commercial video game machine 30 is so designed that the game can be played in accordance with the commercial game program without mounting the cartridge 50 thereon. In this case, the initial ability data of a character is provided by the commercial game program” (see col. 6, lines 39-45, underlining added for emphasis).

In other words, Sato merely teaches that the home video game machine 10 writes the ability data while the cartridge 50 is mounted thereon and that the commercial video game machine 30 can execute a game without mounting the cartridge 50 thereon, such that the initial ability data of the character is provided and if the ability data of the character changes during execution of the game, then the changed ability data cannot be written into the cartridge 50 making it impossible to transfer the ability data from the commercial video game machine 30 when the game is executed next on the home video game machine 10, because the commercial video game machine 30 cannot write the ability data to the cartridge 50.

Thus, in view of the above, because Sato teaches that the home video game machine 10 writes the ability data while the cartridge 50 is mounted thereon and that the commercial video game machine 30 executes the game without mounting the cartridge 50, making it impossible to

transfer the ability data from the commercial machine 30 to the home machine 10, Sato cannot be said to disclose or suggest, as required by claim 24, that:

- (i) the second recording medium includes the second game program and prohibition information indicating that (only in a second game that proceeds in accordance with the second game program) an attribute of the character that appears in the second game is prohibited from being changed, the attribute being the same as the attribute of the character that appears in the first game (executed from the first recording medium);
- (ii) the first game execution apparatus changes the attribute of the character in accordance with the permission information recorded in the first recording medium; and
- (iii) the second game execution apparatus reads the prohibition information from the second recording medium and contrary to the inputting operation from the user requesting to change the attribute of the character that appears in the second game, prohibits the attribute of the character that appears in the second game from being changed in accordance with the prohibition information.

More specifically, the Applicants note that it is clear that according to the structure required by Sato, it is impossible to transfer the ability data from the commercial machine to the home machine. As a result, according to Sato, there is no possibility of maintaining a relationship between the ability data of the character executed according to the cartridge 50 on the home machine and the ability data of the character executed on the commercial machine, because the ability data cannot be transferred from the commercial machine as a result of the

game being executed without the cartridge 50. Therefore, according to Sato it is not possible to prohibit the ability of the character from being changed according to the prohibition information, as required by claim 24.

In other words, contrary to this “lack of ability to maintain the relationship,” as disclosed by Sato, claim 24 provides the ability to positively prohibit the attribute of the character that appears in the second game from being changed in accordance with the prohibition information.

Therefore, in view of the above, Sato cannot provide the above-described result of the structure required by claim 24, such that (i) a user can acquire the second recording medium for free or nearly free, but can be prohibited from changing certain attributes of the character, and (ii) after the user enjoys playing the game of the second recording medium (even though the user can be prohibited from changing the attribute of the character), the user can purchase the first recording medium at the regular price and can enjoy playing the game of the first recording medium, such that the user will now be able to change the attribute of the character.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 24 and claims 25-27 that depend therefrom are not anticipated by Sato.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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